

U.S. District Court
Eastern District of Michigan (Detroit)
CIVIL DOCKET FOR CASE #: 2:18-cv-13301-TGB-SDD

Upshaw et al v. National Basketball Association et al
Assigned to: District Judge Terrence G. Berg
Referred to: Magistrate Judge Stephanie Dawkins Davis
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 10/22/2018
Date Terminated: 04/30/2019
Jury Demand: Plaintiff
Nature of Suit: 360 P.I.: Other
Jurisdiction: Diversity

Plaintiff

Jewel Upshaw

represented by **Robert C. Hilliard**
Hilliard Martinez Gonzalez LLP
719 S. Shoreline
Corpus Christi, TX 78401
361-882-1612
Fax: 361-882-3015
Email: bobh@hmglawfirm.com
ATTORNEY TO BE NOTICED
Bar Status: Sworn

Plaintiff

**Jewel Upshaw, as the Personal
Representative for the Estate of Zena Ray
Upshaw a/k/a Zena R. Upshaw, Zena
Upshaw and Zena "Zeke" Upshaw,
Deceased**

represented by **Robert C. Hilliard**
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Sworn

V.

Defendant

National Basketball Association

represented by **Anthony J. Dreyer**
Skadden, Arps, Slate, Meagher and Flom LLP
4 Times Square
New York, NY 10036
212-735-3000
Fax: 212-735-2000
Email: anthony.dreyer@skadden.com
ATTORNEY TO BE NOTICED
Bar Status: Sworn

Brandon M. Pellegrino
Bowman and Brooke
41000 Woodward Ave.
200 East
Bloomfield Hills, MI 48304
248-205-3354
Email:
brandon.pellegrino@bowmanandbrooke.com
ATTORNEY TO BE NOTICED

Jeffrey A. Mishkin
Skadden, Arps, Slate, Meagher and Flom LLP
4 Times Square
New York, NY 10036
212-735-3000
Fax: 212-735-2000
Email: jeffrey.mishkin@skadden.com
ATTORNEY TO BE NOTICED
Bar Status: Sworn

Lisa M. Gilford
Sidley Austin LLP
555 West Fifth Street
Suite 4000
Los Angeles, CA 90013
213-896-6044
Fax: 213-896-6600
Email: lgilford@sidley.com
ATTORNEY TO BE NOTICED
Bar Status: Sworn

Thomas P. Branigan
Bowman & Brooke LLP (Detroit)
41000 Woodward Avenue
200 East
Bloomfield Hills, MI 48304
248.205.3300
Fax: 248.205.3399
Email: thomas.branigan@bowmanandbrooke.com
ATTORNEY TO BE NOTICED
Bar Status: Sworn

Defendant

Detroit Pistons Basketball Company

represented by **Charles Michael Seely**
Foley and Lardner LLP
1000 Louisiana Street
Suite 2000
Houston, TX 77002
713-276-5979
Fax: 713-276-5555
Email: mseely@foley.com
ATTORNEY TO BE NOTICED
Bar Status: Sworn

Jill M. Hale
Foley and Lardner LLP
1000 Louisiana Street
Suite 2000
Houston, TX 77002
713-276-5909
Fax: 713-276-5555
Email: jhale@foley.com

ATTORNEY TO BE NOTICED

Bar Status: Sworn

Jonathan L. Israel
Foley and Lardner LLP
90 Park Avenue
New York, NY 10016
212-338-3610
Fax: 212-687-2329
Email: jisrael@foley.com
ATTORNEY TO BE NOTICED
Bar Status: Sworn

Leah R. Imbrogno
Foley & Lardner LLP
500 Woodward Avenue
Suite 2700
Detroit, MI 48226
313-234-7100
Email: limbrogno@foley.com
ATTORNEY TO BE NOTICED
Bar Status: Sworn

Defendant

SSJ Group LLC

represented by **James R. Bradley**
Secrest, Wardle,
6639 Centurion Drive
Suite 130
Lansing, MI 48917
517-886-1224
Email: jbradley@secrestwardle.com
ATTORNEY TO BE NOTICED
Bar Status: Sworn

Defendant

The DeltaPlex Arena

represented by **Brandon M. H. Schumacher**
Foster Swift Collins and Smith
313 S. Washington Sq.
Lansing, MI 48933
517-371-8255
Email: bschumacher@fosterswift.com
ATTORNEY TO BE NOTICED
Bar Status: Sworn

Joshua K. Richardson
Foster, Swift,
313 S. Washington Square
Lansing, MI 48933
517-371-8100
Fax: 517-371-8200
Email: Jrichardson@fosterswift.com
ATTORNEY TO BE NOTICED
Bar Status: Sworn

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
10/22/2018	<u>I</u> 1	COMPLAINT filed by Jewel Upshaw, Jewel Upshaw, as the Personal Representative for the Estate of Zena Ray Upshaw a/k/a Zena R. Upshaw, Zena Upshaw and Zena "Zeke" Upshaw, Deceased against Detroit Pistons Basketball Company, National Basketball Association, SSJ Group LLC, The DeltaPlex Arena with Jury Demand. No summons requested. Fee Paid – Receipt No. 0645–6957316 County of 1st Plaintiff: Out of State – County Where Action Arose: Kent – County of 1st Defendant: Out of State. [Previously dismissed case: Southern District of New York, 1:18-cv-04740-JGK, Judge John G. Koeltl] [Possible companion case(s): None] (Hilliard, Robert) Modified on 10/23/2018 (DPer). (Entered: 10/22/2018)
10/23/2018	<u>I</u>	A United States Magistrate Judge of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form is available for download at http://www.mied.uscourts.gov (LGra) (Entered: 10/23/2018)
10/23/2018	<u>I</u> 2	Notice of Filing Fee Not Paid. Correction due by 10/30/2018 (LGra)[FILING ERROR: FEE WAS PAID; SEE COMPLAINT FOR REEPT NUMBER; DISREGARD NOTICE OF FEE NOT PAID] Modified on 10/23/2018 (DPer). (Entered: 10/23/2018)
11/08/2018	<u>I</u> 3	WAIVER OF SERVICE Returned Executed. The DeltaPlex Arena waiver sent on 10/23/2018, answer due 1/22/2019. (Hilliard, Robert) (Entered: 11/08/2018)
11/08/2018	<u>I</u>	REQUEST for SUMMONS for Detroit Pistons Basketball Company, SSJ Group LLC. (Hilliard, Robert) (Entered: 11/08/2018)
11/09/2018	<u>I</u> 4	SUMMONS Issued for *Detroit Pistons Basketball Company* (LGra) (Entered: 11/09/2018)
11/09/2018	<u>I</u> 5	SUMMONS Issued for *SSJ Group LLC* (LGra) (Entered: 11/09/2018)
11/09/2018	<u>I</u> 6	WAIVER OF SERVICE Returned Executed. National Basketball Association waiver sent on 10/25/2018, answer due 1/23/2019. (Hilliard, Robert) (Entered: 11/09/2018)
11/14/2018	<u>I</u> 7	WAIVER OF SERVICE Returned Executed. (Hilliard, Robert) (Entered: 11/14/2018)
11/14/2018	<u>I</u> 8	WAIVER OF SERVICE Returned Executed. Detroit Pistons Basketball Company waiver sent on 10/23/2018, answer due 12/24/2018. (Hilliard, Robert) (Entered: 11/14/2018)
11/28/2018	<u>I</u> 9	WAIVER OF SERVICE Returned Executed. SSJ Group LLC waiver sent on 10/23/2018, answer due 12/24/2018. (Hilliard, Robert) (Entered: 11/28/2018)
12/20/2018	<u>I</u> 10	NOTICE of Appearance by James R. Bradley on behalf of SSJ Group LLC. (Bradley, James) (Entered: 12/20/2018)
12/20/2018	<u>I</u> 11	ANSWER to Complaint with Affirmative Defenses by SSJ Group LLC. (Bradley, James) (Entered: 12/20/2018)
12/20/2018	<u>I</u> 12	STATEMENT of DISCLOSURE of CORPORATE AFFILIATIONS and FINANCIAL INTEREST by SSJ Group LLC (Bradley, James) (Entered: 12/20/2018)
12/20/2018	<u>I</u> 13	MOTION to Dismiss <i>and Brief in Support</i> by The DeltaPlex Arena. (Richardson, Joshua) (Entered: 12/20/2018)
12/20/2018	<u>I</u> 14	MOTION to Transfer Case <i>and Brief in Support</i> by The DeltaPlex Arena. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C) (Richardson, Joshua) (Entered: 12/20/2018)

12/20/2018	<u>15</u>	STATEMENT of DISCLOSURE of CORPORATE AFFILIATIONS and FINANCIAL INTEREST by The DeltaPlex Arena (Richardson, Joshua) (Entered: 12/20/2018)
12/20/2018	<u>16</u>	NOTICE of Appearance by Jeffrey A. Mishkin on behalf of National Basketball Association. (Mishkin, Jeffrey) (Entered: 12/20/2018)
12/20/2018	<u>17</u>	NOTICE of Appearance by Lisa M. Gilford on behalf of National Basketball Association. (Gilford, Lisa) (Entered: 12/20/2018)
12/20/2018	<u>18</u>	NOTICE of Appearance by Anthony J. Dreyer on behalf of National Basketball Association. (Dreyer, Anthony) (Entered: 12/20/2018)
12/21/2018	<u>19</u>	NOTICE of Appearance by Brandon M. Pellegrino on behalf of National Basketball Association. (Pellegrino, Brandon) (Entered: 12/21/2018)
12/21/2018	<u>20</u>	ATTORNEY APPEARANCE: Thomas P. Branigan appearing on behalf of National Basketball Association (Branigan, Thomas) (Entered: 12/21/2018)
12/21/2018	<u>21</u>	STATEMENT of DISCLOSURE of CORPORATE AFFILIATIONS and FINANCIAL INTEREST by National Basketball Association (Pellegrino, Brandon) (Entered: 12/21/2018)
12/21/2018	<u>22</u>	MOTION to Seal <i>Certain Exhibits to NBA's Motion to Dismiss</i> by National Basketball Association. (Attachments: # <u>1</u> Index of Exhibits A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (Pellegrino, Brandon) (Entered: 12/21/2018)
12/21/2018	<u>23</u>	SEALED EXHIBIT D and E re <u>22</u> MOTION to Seal <i>Certain Exhibits to NBA's Motion to Dismiss</i> by National Basketball Association. (Attachments: # <u>1</u> Exhibit D – Under Seal, # <u>2</u> Exhibit E – Under Seal) (Pellegrino, Brandon) (Entered: 12/21/2018)
12/21/2018	<u>24</u>	MOTION to Dismiss <i>Plaintiff's Complaint</i> by National Basketball Association. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A – Margrey Decision and Order, # <u>3</u> Exhibit B – Buchanan Declaration and Attachments) (Pellegrino, Brandon)[FILING ERROR: BUCHANAN DECLARATION IF EXHIBIT A AND THE MARGREY DECISION AND ORDER IS EXHIBIT B] Modified on 12/26/2018 (DPer). (Entered: 12/21/2018)
12/21/2018	<u>25</u>	NOTICE of Appearance by Jonathan L. Israel on behalf of Detroit Pistons Basketball Company. (Israel, Jonathan) (Entered: 12/21/2018)
12/21/2018	<u>26</u>	MOTION to Dismiss and/or to Compel Arbitration by Detroit Pistons Basketball Company. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1 – Declaration of Jon Phelps and accompanying Exhibits A–C, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4) (Israel, Jonathan) (Entered: 12/21/2018)
12/21/2018	<u>27</u>	STATEMENT of DISCLOSURE of CORPORATE AFFILIATIONS and FINANCIAL INTEREST by Detroit Pistons Basketball Company (Israel, Jonathan) (Entered: 12/21/2018)
12/28/2018	<u>28</u>	ANSWER to Complaint with Affirmative Defenses <i>First Amended</i> by SSJ Group LLC. (Bradley, James) (Entered: 12/28/2018)
12/28/2018	<u>29</u>	MOTION to Change Venue by SSJ Group LLC. (Bradley, James) (Entered: 12/28/2018)
01/02/2019	<u>30</u>	NOTICE of Appearance by Charles Michael Seely on behalf of Detroit Pistons Basketball Company. (Seely, Charles) (Entered: 01/02/2019)
01/02/2019	<u>31</u>	NOTICE of Appearance by Jill M. Hale on behalf of Detroit Pistons Basketball Company. (Hale, Jill) (Entered: 01/02/2019)
01/02/2019	<u>32</u>	NOTICE of Appearance by Leah R. Imbrogno on behalf of Detroit Pistons Basketball Company. (Imbrogno, Leah) (Entered: 01/02/2019)

01/02/2019	<u>1</u> <u>33</u>	[STRICKEN] STIPULATION Regarding Briefing Schedule by Jewel Upshaw, as the Personal Representative for the Estate of Zena Ray Upshaw a/k/a Zena R. Upshaw, Zena Upshaw and Zena "Zeke" Upshaw, Deceased, Jewel Upshaw (Hilliard, Robert) Modified on 1/8/2019 (AChu). (Entered: 01/02/2019)
01/03/2019	<u>1</u> <u>34</u>	RESPONSE to <u>14</u> MOTION to Transfer Case <i>and Brief in Support</i> filed by Jewel Upshaw, as the Personal Representative for the Estate of Zena Ray Upshaw a/k/a Zena R. Upshaw, Zena Upshaw and Zena "Zeke" Upshaw, Deceased, Jewel Upshaw. (Attachments: # <u>1</u> Exhibit A) (Hilliard, Robert) (Entered: 01/03/2019)
01/03/2019	<u>1</u> <u>35</u>	RESPONSE to <u>29</u> MOTION to Change Venue filed by Jewel Upshaw, as the Personal Representative for the Estate of Zena Ray Upshaw a/k/a Zena R. Upshaw, Zena Upshaw and Zena "Zeke" Upshaw, Deceased, Jewel Upshaw. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Hilliard, Robert) (Entered: 01/03/2019)
01/03/2019	<u>1</u> <u>36</u>	NOTICE of Joinder/Concurrence in <u>14</u> MOTION to Transfer Case <i>and Brief in Support</i> filed by The DeltaPlex Arena by National Basketball Association <i>and</i> <u>29</u> SSJ's Motion for Change of Venue (Pellegrino, Brandon) (Entered: 01/03/2019)
01/04/2019	<u>1</u> <u>37</u>	NOTICE of Joinder/Concurrence in <u>29</u> MOTION to Change Venue filed by SSJ Group LLC, <u>14</u> MOTION to Transfer Case <i>and Brief in Support</i> filed by The DeltaPlex Arena by Detroit Pistons Basketball Company (Israel, Jonathan) (Entered: 01/04/2019)
01/04/2019	<u>1</u> <u>38</u>	RESPONSE to <u>22</u> MOTION to Seal <i>Certain Exhibits to NBA's Motion to Dismiss</i> filed by Jewel Upshaw, as the Personal Representative for the Estate of Zena Ray Upshaw a/k/a Zena R. Upshaw, Zena Upshaw and Zena "Zeke" Upshaw, Deceased, Jewel Upshaw. (Hilliard, Robert) (Entered: 01/04/2019)
01/08/2019	<u>1</u>	TEXT-ONLY ORDER STRIKING <u>33</u> Stipulation. See, R11 of the Electronic Filing Policies and Procedures for this District, available as an Appendix to the Local Rules. Issued by District Judge Terrence G. Berg. (AChu) (Entered: 01/08/2019)
01/09/2019	<u>1</u> <u>39</u>	REPLY to Response re <u>14</u> MOTION to Transfer Case <i>and Brief in Support</i> filed by The DeltaPlex Arena. (Richardson, Joshua) (Entered: 01/09/2019)
01/09/2019	<u>1</u> <u>40</u>	STIPULATION AND ORDER Regarding Briefing Schedule as to <u>24</u> MOTION to Dismiss <i>Plaintif's Complaint</i> , <u>13</u> MOTION to Dismiss <i>and Brief in Support</i> , <u>26</u> MOTION to Dismiss and/or to Compel Arbitration : (Response due by 2/1/2019, Reply due by 2/22/2019) Signed by District Judge Terrence G. Berg. (AChu) (Entered: 01/09/2019)
01/11/2019	<u>1</u> <u>41</u>	REPLY to Response re <u>22</u> MOTION to Seal <i>Certain Exhibits to NBA's Motion to Dismiss</i> filed by National Basketball Association. (Pellegrino, Brandon) (Entered: 01/11/2019)
01/31/2019	<u>1</u> <u>42</u>	NOTICE of Change of Address/Contact Information by Lisa M. Gilford on behalf of National Basketball Association. (Gilford, Lisa) (Entered: 01/31/2019)
02/01/2019	<u>1</u> <u>43</u>	RESPONSE to <u>24</u> MOTION to Dismiss <i>Plaintif's Complaint</i> filed by Jewel Upshaw, as the Personal Representative for the Estate of Zena Ray Upshaw a/k/a Zena R. Upshaw, Zena Upshaw and Zena "Zeke" Upshaw, Deceased, Jewel Upshaw. (Attachments: # <u>1</u> Exhibit Compendium of Unpublished Cases) (Hilliard, Robert) (Entered: 02/01/2019)
02/01/2019	<u>1</u> <u>44</u>	RESPONSE to <u>26</u> MOTION to Dismiss and/or to Compel Arbitration filed by Jewel Upshaw, as the Personal Representative for the Estate of Zena Ray Upshaw a/k/a Zena R. Upshaw, Zena Upshaw and Zena "Zeke" Upshaw, Deceased, Jewel Upshaw. (Attachments: # <u>1</u> Exhibit Compendium of Unpublished Cases) (Hilliard, Robert) (Entered: 02/01/2019)
02/01/2019	<u>1</u> <u>45</u>	RESPONSE to <u>13</u> MOTION to Dismiss <i>and Brief in Support</i> filed by Jewel Upshaw, as the Personal Representative for the Estate of Zena Ray Upshaw a/k/a Zena R. Upshaw, Zena Upshaw

and Zena "Zeke" Upshaw, Deceased, Jewel Upshaw. (Attachments: # 1 Exhibit Compendium of Unpublished Cases) (Hilliard, Robert) (Entered: 02/01/2019)

02/05/2019	<u>i</u> <u>46</u>	NOTICE OF HEARING on <u>14</u> MOTION to Transfer Case and <i>Brief in Support</i> , <u>24</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> , <u>22</u> MOTION to Seal <i>Certain Exhibits to NBA's Motion to Dismiss</i> , <u>13</u> MOTION to Dismiss and <i>Brief in Support</i> , <u>29</u> MOTION to Change Venue, <u>26</u> MOTION to Dismiss and/or to Compel Arbitration. Motion Hearing set for 4/1/2019 02:00 PM before District Judge Terrence G. Berg (AChu) (Entered: 02/05/2019)
02/06/2019	<u>i</u>	Reset Hearing as to <u>14</u> MOTION to Transfer Case, <u>24</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> , <u>22</u> MOTION to Seal <i>Certain Exhibits to NBA's Motion to Dismiss</i> , <u>13</u> MOTION to Dismiss], <u>29</u> MOTION to Change Venue, <u>26</u> MOTION to Dismiss and/or to Compel Arbitration. Motion Hearing RESET for 4/29/2019 02:00 PM before District Judge Terrence G. Berg (AChu) (Entered: 02/06/2019)
02/22/2019	<u>i</u> <u>47</u>	REPLY to Response re <u>24</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by National Basketball Association. (Pellegrino, Brandon) (Entered: 02/22/2019)
02/22/2019	<u>i</u> <u>48</u>	CERTIFICATE OF SERVICE re <u>47</u> Reply to Response to Motion by National Basketball Association (Pellegrino, Brandon) (Entered: 02/22/2019)
02/22/2019	<u>i</u> <u>49</u>	REPLY to Response re <u>13</u> MOTION to Dismiss and <i>Brief in Support</i> filed by The DeltaPlex Arena. (Attachments: # <u>1</u> Exhibit A) (Richardson, Joshua) (Entered: 02/22/2019)
02/22/2019	<u>i</u> <u>50</u>	REPLY to Response re <u>26</u> MOTION to Dismiss and/or to Compel Arbitration filed by Detroit Pistons Basketball Company. (Attachments: # <u>1</u> Exhibit 1 – Compendium of Unpublished Cases) (Israel, Jonathan) (Entered: 02/22/2019)
03/22/2019	<u>i</u> <u>51</u>	ATTORNEY APPEARANCE: Brandon M. H. Schumacher appearing on behalf of The DeltaPlex Arena (Schumacher, Brandon) (Entered: 03/22/2019)
03/22/2019	<u>i</u> <u>52</u>	[STRICKEN] STIPULATION <i>Regarding March 29, 2019 Hearing</i> by Jewel Upshaw, as the Personal Representative for the Estate of Zena Ray Upshaw a/k/a Zena R. Upshaw, Zena Upshaw and Zena "Zeke" Upshaw, Deceased, Jewel Upshaw (Hilliard, Robert) Modified on 4/1/2019 (AChu). (Entered: 03/22/2019)
04/01/2019	<u>i</u>	TEXT-ONLY ORDER STRIKING <u>52</u> Stipulation filed by Jewel Upshaw, Jewel Upshaw, as the Personal Representative for the Estate of Zena Ray Upshaw a/k/a Zena R. Upshaw, Zena Upshaw and Zena "Zeke" Upshaw, Deceased. Issued by District Judge Terrence G. Berg. (AChu) (Entered: 04/01/2019)
04/03/2019	<u>i</u> <u>53</u>	STIPULATION AND ORDER to Change Hearing Date. Set Motion Hearings as to <u>14</u> MOTION to Transfer Case and <i>Brief in Support</i> , <u>24</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> , <u>22</u> MOTION to Seal <i>Certain Exhibits to NBA's Motion to Dismiss</i> , <u>13</u> MOTION to Dismiss and <i>Brief in Support</i> , <u>29</u> MOTION to Change Venue, <u>26</u> MOTION to Dismiss and/or to Compel Arbitration: (Motion Hearing set for 6/10/2019 01:00 PM before District Judge Terrence G. Berg) Signed by District Judge Terrence G. Berg. (AChu) (Entered: 04/03/2019)
04/05/2019	<u>i</u> <u>54</u>	STIPULATION AND ORDER Adjourning Motion Hearing. Set Motion Hearings as to <u>14</u> MOTION to Transfer Case and <i>Brief in Support</i> , <u>24</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> , <u>13</u> MOTION to Dismiss and <i>Brief in Support</i> , <u>29</u> MOTION to Change Venue, <u>26</u> MOTION to Dismiss and/or to Compel Arbitration: (Motion Hearing set for 6/10/2019 01:00 PM before District Judge Terrence G. Berg) Signed by District Judge Terrence G. Berg. (AChu) (Entered: 04/05/2019)
04/30/2019	<u>i</u> <u>55</u>	ORDER TRANSFERRING CASE to the Western District of Michigan. Signed by District Judge Terrence G. Berg. (DPer) (Entered: 05/01/2019)